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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,599	11/21/2003	Kyu-Sang Lee	1293.1922	8210

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/717,599	Applicant(s) LEE, KYU-SANG	
	Examiner Aristotelis M. Psitos	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Conclusion

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

The IDS documents filed on 8/30/05, 6/3/05 and with the application have been considered. Since the search reports are not "prior" art, they have been crossed off – i.e., not to be printed if and when the application becomes a patent.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1,4,58, and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following problems exist:

- a) Claim 1 recites a "main" title, however such is not defined in the claim. The examiner cannot reconcile claim 3 with the "main" title.
- b) Claim 4 recites "another specified mode", however; such is not defined in the claim.
- c) Claim 5 doesn't further define/restrict the method of claim 1, i.e., no further step(s) limitation.
- d) With respect to claim 8, the recited "post command" has not been defined.
- e) With respect to claim 10, the "another specified mode isn't defined.

As far as the claims recite positive limitations, the following rejections are made.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1, 4,7,16,17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Korean document 009012 further considered with d'Alayer de Costemore d'Arc further considered with Harvey (5109414).

As noted in the communication associated with the IDS of 5/30/05 the Korean document discloses a cd player – for the selection of playing back cd tracks. There is no specific mentioning of an automatic ejection capability by comparison of a time criteria.

The secondary reference to d'Arc discloses in this environment a playback device having the appropriate ejection capability. Whether manual or automatic is not of patentable moment.

With respect to the ability of using a time criteria to control an appropriate mode of operation for a recroding/playback device, such is taught y the Harvey system – see the abstract.

It would have been obvious to modify the Korean document with the above additional teachings from both d'Arc and Harvey so as to provide for an automatic “ejection” of the record medium relying upon an appropriate time criteria – such as comparison of a time period.

With respect to claim 4, the d'Arc system further teaches the ability of providing for/establishing a plurality of alternative/another mode of operation as desired by the operator.

With respect to claim 7, the ejection can be established at the appropriate moment by the user.

With respect to claims 16,17 and 20 they are met as analyzed above

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7. Claims 2,5, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Official notice.

DVD systems/discs have incorporated therein program chain information. Hence reference to such standard protocols in DVD discs is established when using a DVD disc/format as the selected disc.

It would have been obvious to modify the base system as relied upon above and playback a DVD, motivation is to increase the overall system by having DVD playback capability.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Hoffenberg et al.

The use of "menus" as graphic user interfaces for their inherent use in this environment is further taught by the Hoffenberg et al reference.

It would have been obvious to modify the base system as relied upon above with respect to claim 1 and further modify such so as to use "menus" as the user interface with a playback device.

Such usage is standard operating procedures in this environment.

9. Claims 3,19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of themselves.

Claims 3,19 and 22 attempt to define the overall invention by defining the "main title" as the one with the longest time period. Certainly in the above system as stated with respect to claim 1, selection of any/all of the desired tracks to be played back and comparison to a time – such as that further elaborated upon in the secondary reference(s) includes a "longest time". Hence the examiner concludes that the ability of setting an upper range for the time criteria/threshold evaluation is merely a selection among a plurality of time periods and merely an optimization of the overall system parameters –i.e., set an appropriate threshold (time) as desired by the user.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korean reference 009012 further considered with d'Arc and all further considered with Murase...

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As noted in the communication associated with the IDS of 5/30/05 the Korean document discloses a cd player – for the selection of playing back cd tracks. There is no specific mentioning of an automatic ejection capability by comparison of a time criteria.

The secondary reference to d'Arc discloses in this environment a playback device having the appropriate ejection capability. Whether manual or automatic is not of patentable moment.

The ability of having an appropriate stop capability found in the program chain is taught by the Murase system – see the discussion with respect to figure 14.

It would have been obvious to modify the base system of the Korean document with d'Arc and further with the additional teaching form Murase, motivation is as discussed in Murase to provide for appropriate command capability incorporated into the program chain and provide for user transparency.

11. Claims 11 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 8 above, and further in view of recording techniques.

The ability of providing for a record medium so as to be read by a computer is considered well known in this environment. Hence the ability of providing for a set of instructions in order to automatically eject a disc along the protocols of either claim 1 or 8 is merely an exercise in programming – and then recording such steps/protocols onto a computer readable medium.

It would have been obvious to modify a computer readable medium with a set of instructions outlining the protocols established by the overall combination of references with respect to those relied upon with respect to claim 1 and 8, motivation is to provide for an archival record of desired steps for subsequent retrieval.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M. Psitos whose telephone number is (571) 272-7594. The examiner can normally be reached on M-F: 6:00 - 2:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on (571) 272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aristotelis M Psitos
Primary Examiner
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A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

AMP